IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

WP(C).No. 31894 of 2006(V)

OPEA.9/2005 of PRL.MUNSIFF COURT,NEDUMANGAD

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PETITIONER:

SATHYANESAN, S/O.DEVADASAN,
AGED 38 YEARS, RESIDING AT SATHYA BHAVAN,
VATTAVILA, PUNALAL, PERUKULAM VILLAGE.

BY ADV. SRI.ABRAHAM MATHEW (VETTOOR)
SMT.DAISY IRENE DANIEL

RESPONDENTS:

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1. BHUVANENDRAN, S/O.DAMODHARA PILLAI,
AGED 45 YEARS, RESIDING AT THUSHARA,
PUNALAL, PERUMKULAM VILLAGE.

2. BIJU P.M., 28 YEARS,
RESIDING AT CHITHIRA, VELLANAD P.O.,
PERUMKULAM VILLAGE.

3. AUGUSTIN JOSEPH,
AGED 44 YEARS, RESIDING AT POOVANAM VEEDU,
MATTHALAMPARA, MITHRANIKETHAN P.O.,
PERUMKULAM VILLAGE.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C)NO.31894 OF 2006

DATED THIS THE 1st DAY OF DECEMBER, 2006

JUDGMENT

This petition is filed under Article 227 of Constitution of India by the successful candidate in the election whose election was set aside by Munsiff Court, Nedumangad in O.P.(Ele.)9/2005 for a direction to Munsiff to grand the carbon copy applied for under Ext.P2 application. Order in election petition was passed on 29.11.2006. On the same day Ext.P2 application for issue of a carbon copy was filed. The case of petitioner is that as per the order, petitioner in the election petition was declared elected after setting aside the election of petitioner herein and unless carbon copy is issued, petitioner cannot challenge that order and get an order of stay and if first respondent is to take the oath, it would cause unnecessary hardship and so the order has to be stayed. Ext.P3 application was filed before Court

below to grand an order of stay to enable the petitioner to approach the appellate Court. Learned Counsel appearing for petitioner submitted that on 30.11.2006, Ext.P3 application was dismissed by the Munsiff and carbon copy was not furnished to the petitioner.

3. Munsiff, Nedumangad is directed to issue carbon copy of the order in O.P.(Ele) 9/2005 applied for by petitioner under Ext.P2 application as expeditiously as possible and in any event within seven days from the date of receipt of a copy of this judgment. The order in O.P.(Ele.)9/2005 with regard to the declaration of the election of the petitioner in the election O.P. alone is stayed for ten days.

M.SASIDHARAN NAMBIAR,JUDGE

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